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SE Opinion
HD **Forcing through Trans Mountain could set up an Oka-like crisis**
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As the federal and Alberta governments continue to pull their hair out over the B.C. government's stand against Kinder Morgan's Trans Mountain pipeline expansion and tanker project, it's important to point out, as we've been doing for years, that the pipeline company doesn't have the consent of all First Nations along the route. In fact, many of them are strongly opposed to the project.

Kinder Morgan's recent announcement that it is stopping all but essential spending proves its shareholders are starting to understand the degree and depth of the Indigenous-led opposition movement to this pipeline project.

The Treaty Alliance Against Tar Sands Expansion is made up of 150 Indigenous nations in Canada and the United States, dozens of which are located along the Kinder Morgan pipeline route, with many of them having launched legal actions against the Kinder Morgan project.

Further, Indigenous nations are supported by a quickly growing and broad-based network of support from allied Canadians who understand the existential threat humanity faces from climate change and who are ready to stand up against the injustices still carried out today against Indigenous people.

More than 20,000 people have signed the Coast Protectors pledge to do whatever it takes to stop the pipeline. Thousands took part in a March 10 solidarity rally at the Kinder Morgan gates on Burnaby Mountain.

Prime Minister Justin Trudeau's government has a decision to make. It can cut its losses and realize it simply made a mistake in approving the project.

Or the Trudeau government can double down on its current path. But Canadians should be very clear-eyed about what that represents. It represents more than a failure of climate leadership. It means going back to the Stephen Harper days, when Canada's reputation on the climate file was mud.

Importantly, it also means going back to colonial-era relations with Indigenous people. In fact, if the federal government tries to ram through this pipeline, it could mean going back to one of the darkest times in modern Canadian history: the Oka standoff with the Mohawk nation.

We just witnessed the ugly and shameful crackdown in the United States on the peaceful anti-pipeline protests at Standing Rock.

We don't believe that's the Canada that most Canadians want to live in. It would be a cruel joke indeed if, in this era of “reconciliation," Canada instead repeats the mistakes of the past.

This is a learning moment for Canada. For far too long, governments and industry thought they could ignore Indigenous people by paying lip service to consulting us all the while doing what they wanted to do anyway.

Canadians are starting to grasp that there are governments and jurisdictions on this great land besides the provinces and the federal government.

Indigenous peoples possess the inherent right to govern our territories. Pursuant to that inherent right, you need our free, prior and informed consent to develop our lands, especially when we are talking about a high-risk project such as Kinder Morgan that poses a real risk to those lands and waters and climate.

This is something the Supreme Court of Canada recognized in the historic 2014 Tsilhqot'in decision and it is the foundation of the United Nations Declaration on the Rights of Indigenous Peoples, which the federal government has agreed to implement.

The other learning moment is that this beleaguered pipeline is forcing Canadians of all ages from all walks of life to begin to imagine a world that is not so reliant on oil. We should be racing as fast as we can to get off oil instead of producing even more of the dirtiest, most polluting kind from the Alberta oil sands.

This is not some typical debate with many sides to it – there's really just two: right and wrong. Collective survival or collective suicide.

Finally, no one should see this as a constitutional crisis. On the contrary, this is our Constitution working, at least in practice, with Indigenous people acting as real decision makers on their territory.

At the same time, you're seeing beautiful acts of real reconciliation with Canadians standing up for our rights and trying to make this country a more just place. And we are finally seeing the kind of climate action Canada needs and that the Trudeau government refused to take when it approved this pipeline.

The real constitutional crisis will occur if Mr. Trudeau chooses to ignore our constitutionally protected aboriginal title and rights and treaty rights, and tries to ram through the pipeline – putting a lie to all his promises of reconciliation and setting Canada up for another catastrophic crisis on the same level as Oka.

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